

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

JOHN W. ARCHER,)	
)	
Plaintiff,)	
)	
vs.)	No. 15-cv-2676-SHL/tmp
)	
CITY OF MEMPHIS, JOSEPH PAYNE,)	
and LARRY WESTON,)	
)	
Defendants.)	
)	

REPORT AND RECOMMENDATION

On October 8, 2015, Plaintiff John Archer, a resident of Como, Mississippi, filed a *pro se* complaint against his employer under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq. (ECF No. 1.) Plaintiff paid the filing fee and blank summonses were mailed to him from the Clerk of Court. However, as of March 10, 2016, the court docket did not reflect any returns on the summonses. Because it was unclear whether Plaintiff had properly effected service upon the defendants, the court held a status conference with Plaintiff on March 29, 2016. Plaintiff appeared at the status conference and stated that due to his current financial situation and his limited ability to represent himself, he was not in a position to move forward with prosecuting his case. Plaintiff made an oral motion to dismiss his case without prejudice.

As it appears that Plaintiff is unable at this time to proceed with his case, and because the motion was made prior to service of the complaint upon the defendants, it is recommended that the complaint be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a).

Respectfully submitted,

s/ Tu M. Pham

TU M. PHAM
United States Magistrate Judge

March 30, 2016
Date

NOTICE

WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY OF THIS REPORT AND RECOMMENDED DISPOSITION, ANY PARTY MAY SERVE AND FILE SPECIFIC WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS AND RECOMMENDATIONS. ANY PARTY MAY RESPOND TO ANOTHER PARTY'S OBJECTIONS WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY. 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b)(2); L.R. 72.1(g)(2). FAILURE TO FILE OBJECTIONS WITHIN FOURTEEN (14) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND FURTHER APPEAL.